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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,716	01/31/2001	Masayuki Chatani	375.07.01	7005

25920 7590 03/06/2006

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EXAMINER

COLIN, CARL G

ART UNIT PAPER NUMBER

2136

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/773,716	Applicant(s) CHATANI ET AL.	
	Examiner Carl Colin	Art Unit 2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 88-109.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: Interview summary, 20030302.

CHRISTOPHER REVAK
PRIMARY EXAMINER

cel 3/3/06

Continuation of 11. does NOT place the application in condition for allowance because: The reply filed on 2/13/2006 is not fully responsive because it fails to include a complete or accurate record of the substance of the 2/9/2006 and 2/10/2006 interview. In the interviews dated 2/9/2006 and 2/10/06, Applicant's representative, Al Penilla, expressed concerns that the way of arranging the process is unique and the way to perform the process one step after another is not disclosed in the reference. Examiner disagreed and pointed out that each process does not have to be performed in the exact order as arranged in the claimed invention... (see interview summary). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). For instance in claim 88, "the creating step at the user computer" (step 2) can be performed before "the initiating access" (step 1). Also, "the forwarding step of a title ID" can be performed at any time after "the initiating step", just to name a few examples. Therefore, the way of performing the method "step after step" as relied by Applicant is not expressly disclosed in the claimed invention. Applicant argues that many of the elements are actually missing in Uranaka's reference. Examiner respectfully disagrees. Applicant's analysis of the reference with respect to claim 88 in the remarks (pages 12-16) contains many errors as previously mentioned by Examiner in previous conversation on 2/10/06. For example, applicant states that the office cites col 8, lines 34-41 for the preamble, which is not correct (see last final office action page 4 lines 1-2); regarding "the initiating step" applicant states Examiner cites column 4, lines 44-65 and column 7, lines 1-9, (also incorrect) (see final office action lines 3-11 and page 2). Applicant tries to focus on col. 8, lines 34-41 which is cited by Examiner to show that the naming of "user key pair" in the claimed invention is interpreted as "server key pair" in the reference. The claimed invention does not even expressly states that the creation takes place at the server. The reference further discloses the server key pair is created at the server as the server keeps the server secret key and communicates the server public key Pks (user public key in claim) to the user as mentioned in the final office action (column 19, lines 2-10, column 15, lines 55-67, see also column 5, lines 55-67). Applicant even acknowledges (see remarks, page 11) that keys have to be created before they are sent or exchanged. Applicant erroneously equates Pku instead of Pks for user key. Regarding the step of "creating console key pair" Applicant states Examiner cites columns 19 and 15, (incorrect). Applicant further argues that the title ID is not encrypted and Uranaka fails to disclose any security... citing again own section of disclosure (col 18, lines 42-47). Examiner asserts that the Office Action discloses that the title ID is encrypted, in fact column 18, lines 61 through column 19, line 10 recites the data transmitted by the user to the server including the title as shown in fig 8A may be encrypted in the same manner as the user's credit card number... "these data may be encrypted in the following way..." Other independent claims recite similar and broader limitations as claim 88. For at least the reasons mentioned above and the reasons cited in the final Office Action, the request for reconsideration has been considered but does not place the application in condition for allowance.